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Attorneys for Plaintiff and Counterdefendant

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

BRIAN JONESTOWN MASSACRE, a
doing business as designation for ANTON
NEWCOMBE, an individual,

Plaintiff,

v.

JEFFREY DAVIES,

Defendant.

JEFFREY DAVIES,

Counterclaimant,

v.

ANTON NEWCOMBE,

Counterdefendant.

Case No: CV-13-04005-NC

**NOTICE OF SETTLEMENT;
[PROPOSED] ORDER**

Plaintiff and Counterdefendant Anton Newcombe and Defendant and Counterclaimant Jeffrey Davies (collectively the “Parties”) have reached an agreement to settle the above-entitled action, including all claims and counterclaims, and have executed a formal and binding settlement agreement. Accordingly, the Parties jointly submit this Notice of Settlement and respectfully request that the Court take all pending dates off-calendar but retain jurisdiction of the case until the filing of a stipulation for mutual dismissal. Certain terms of the settlement are to be performed on or before December 15, 2014, and if performed, will result in the parties filing a stipulation for mutual dismissal of the entire action on that date.

Dated: October 23, 2014

PHILLIPS, ERLEWINE & GIVEN LLP

By /s/ Cari A. Cohorn
Cari A. Cohorn
David M. Given
Alexander H. Tuzin
Attorneys for Plaintiff/Counterdefendant

Dated: October 23, 2014

GLOTZER & SWEAT, LLP

By /s/ Joshua W. Glotzer
Joshua W. Glotzer
Steven M. Sweat
Attorneys for Defendant/Counterclaimant

[PROPOSED] ORDER

PURSUANT TO THE FOREGOING, IT IS SO ORDERED.

Date: October __, 2014

Nathaneal M. Cousins
United States Magistrate Judge

ATTESTATION

I, Cari A. Cohorn, am the ECF user whose identification and password are being used to file the instant document. Pursuant to Civil Local Rule 5-1(i)(3), I hereby attest that all counsel whose electronic signatures appear above provided their authority and concurrence to file this document.

/s/ Cari A. Cohorn
Cari A. Cohorn
Attorney for Plaintiff/Counterdefendant